

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

IN RE: §
§
BAY AREA REGIONAL MEDICAL CENTER, LLC § CASE NO. 19-70013
§
§ (Chapter 7)
DEBTOR §

**DEBTOR'S MOTION FOR AN ORDER THAT THE APPOINTMENT
OF A HEALTH CARE OMBUDSMAN IS NOT NECESSARY**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION ND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

To The Honorable Eduardo V. Rodriguez
United States Bankruptcy Judge:

COMES NOW, Bay Area Regional Medical Center, LLC, the Debtor herein (the "Debtor"), and files this its Motion for an Order that the Appointment of a Health Care Ombudsman is not Necessary under § 333 (the "Motion"), and in support thereof, would respectfully show unto the Court as follows:

1. On January 10, 2019, Debtor filed a voluntary chapter 7 petition. Debtor is a health

care business as defined by 11 U.S.C. § 101(27A).

2. Pursuant to § 333, the court is required to appoint a patient care ombudsman to monitor the quality of patient care and to represent the interests of the patients, “unless the court finds that the appointment of such ombudsman is not necessary for the protection of patients under the specific facts of the case.” 11 U.S.C. § 333(a)(1).

3. Debtor contends that it is not necessary to appoint an ombudsman in this case.

4. Debtor was operating a hospital until May 13, 2018. Debtor has not had a patient on site since such date. *See attached affidavit of Rick A. Zachardy.*

5. Debtor contends that it is not necessary to appoint an ombudsman because no medical services have been provided by Debtor to any patient since May 13, 2018.

WHEREFORE, PREMISES CONSIDERED, Bay Area Regional Medical Center, LLC, the Debtor herein, prays for this Court to enter an order that the appointment of a patient care ombudsman is not necessary under the specific facts of this case; and for such other and further relief to which Debtor may be justly entitled.

Respectfully submitted this 23rd day of January, 2019.

Respectfully submitted,

FUQUA & ASSOCIATES, PC

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CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing instrument was forwarded by U.S. mail, first class postage prepaid to the parties listed on the attached service list on this the 23rd day of January, 2019 and to the parties listed below in the manner specified.

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